

## **REMARKS**

This is in response to the Office Action dated August 6, 2009. In view of the above amendments and the following remarks, reconsideration of the rejection and further examination are requested.

A substitute abstract has been submitted concurrently. It is submitted that the substitute abstract is in accordance with 37 C.F.R. §1.52(b)(4). As a result, applicant respectfully requests that the examiner withdraw the objection.

Claims 3-10 and 19-21 have been cancelled without prejudice or disclaimer to the subject matter therein. Claim 24 has been cancelled and incorporated into claim 23. Claims 25 and 26 have been added.

An Examiner Interview was conducted on November 3, 2009 discussing a proposed amendment to the claims. In the interview, the claims of the present invention were explained. The examiner suggested incorporating “wherein, the game program does not include any general image data” into independent claims 1, 11, 22, 23, and 25 to make it clear how the features described below, with regard to claims 1, 11, 22, 23, and 25, are distinguishable from the cited art. The above amendments to the claims reflect the examiner’s suggestion. As a result, it is submitted that claims 1-2, 11-18, 22-23, and 25-26 are clearly allowable over the prior art of record.

### **Rejection under 35 U.S.C §101:**

Claim 20 has been rejected under 35 U.S.C §101 as being directed to non-statutory subject matter. Claim 20 has been cancelled. As a result, this rejection is submitted to no longer be applicable.

### **Rejections under 35 U.S.C §103(a):**

Claims 1, 3-5, 9, 11, 16, and 18-24 have been rejected under 35 U.S.C §103(a) as being unpatentable over Tahoe (US Pub. 2001/0029205) in view of Eguchi (US 6,951,516). This rejection is submitted to be inapplicable to the claims, as amended, for the following reasons.

Claim 11 recites a portable game execution apparatus including, in part, a read unit operable to read a game program from a portable recording medium on which the game program

indicating a game procedure is recorded, wherein the game program does not include any general image data, and a reception unit operable to receive, over a network, portable image data generated by a stationary game execution apparatus, the portable image data being suitable for display by the portable game execution apparatus. According to claim 11, the game program is recorded on the portable storage medium and executed by the portable game execution apparatus, and the portable image data is transmitted over the network. The above features, as recited in claim 11, make it easier to control creative rights associated with a game. The combination of Taho and Eguchi fails to disclose or suggest the above features as recited in claim 11.

Taho discloses game delivery system having a game machine 20, that outputs a signal to a home-use TV receiver 50, and a communication link 70 used in conjunction with the internet for coupling information between the game machine 20 and a game program delivery apparatus 30 (see paragraph 31). As shown in Figure 1, the game machine 20 includes various electronic components such as a CPU 21 and a GPU 22. The GPU 22 performs processing for image display, such as geometry operation processing and rendering processing, according to instructions from the CPU 21 (see paragraph 35). The CPU 31 of the game program delivery apparatus 30 (the delivery apparatus is shown in detail in Figure 2) also performs processing related to transmission of a game program and emulator program to the game machine 20 through the internet utilizing a communication link 70 (see paragraph 37). As shown in Figure 13, the CPU 31 of the delivery apparatus 30 fetches the data of the game title. Then the CPU 31 matches the corresponding emulator program to the game title and prepares both for delivery to the game system 20 via the internet (see paragraph 71). This allows the game machine to receive any game program selected by a user along with the emulator program that allows the game to be executed on the game machine 20.

Thus, Taho discloses a game delivery system that delivers games and their corresponding emulator programs to a stationary game machine via the internet. However, Taho does not disclose separating the game program from the image data used to render the game on a screen, and delivering the game program via a portable recording medium, and delivering the portable image data associated with the game via a network. Therefore, Taho does not disclose or suggest a read unit operable to read a game program from a portable recording medium on which the game program indicating a game procedure is recorded, wherein the game program does not

include any general image data, and a reception unit operable to receive, over a network, portable image data generated by a stationary game execution apparatus, the portable image data being suitable for display by the portable game execution apparatus, as recited in claim 11. Eguchi also fails to disclose the above features as recited in claim 11.

Eguchi discloses a multi-user video game with communication capabilities played on different discrete video game platforms. As shown in Figure 5, a user H can download data from a home video game platform 50 into an intermittently connectable portable video game platform AGB. The user would then be able to play a limited form of the game, or customize certain data of the game, using the portable game player AGB, and transport the portable video game platform to a friend's house for use in sharing data between virtual game environment instances 200 (see col. 13, lines 30-41). However, while the physical transportation of a removable memory M from one platform to another platform is practical, other methods (e.g., a network) could be used to transfer the game, as shown in Figure 4 (see col. 13, lines 7-29).

Thus, Eguchi discloses a system where an entire game is transferred to another gaming platform either by removable media or a network. However, Eguchi does not disclose separating the game program from the image data used to render the game on a screen, and delivering the game program via a portable recording medium, and delivering the portable image data associated with the game via a network. Therefore, Eguchi does not disclose or suggest a read unit operable to read a game program from a portable recording medium on which the game program indicating a game procedure is recorded, wherein the game program does not include any general image data, and a reception unit operable to receive, over a network, portable image data generated by a stationary game execution apparatus, the portable image data being suitable for display by the portable game execution apparatus, as recited in claim 11.

Accordingly, no combination of Tahoe and Eguchi would result in, or otherwise render obvious under 35 U.S.C. §103(a), the features recited in claim 11. As a result, claim 11 is patentable over the combination of Tahoe and Eguchi.

Claim 1 is patentable over the combination of Tahoe and Eguchi for the same reasons as those discussed above with regard to claim 11. Specifically, claim 1 recites a stationary game execution apparatus including, in part, a generation unit operable to generate portable image data, the portable image data being suitable for display by a portable game apparatus, and a portable game apparatus including, in part, a read unit operable to read the game program from

the portable recording medium, the game program indicating a game procedure, wherein the game program does not include any general image data, and a reception unit operable to receive the portable image data over the network. Since the above features, as recited in claim 1, are not disclosed or suggested by the combination of Taho and Eguchi, claim 1 is patentable over the combination of Taho and Eguchi.

Claims 22 and 23 are patentable over the combination of Taho and Eguchi for reasons similar to those discussed above with regard to claim 11. Specifically, claims 22 and 23 both recite executing a game in accordance with a game program, wherein the game program does not include any general image data, on a portable game execution apparatus, by reading the game program from a portable recording medium, and receiving portable image data over a network, wherein a stationary game apparatus generates the portable image data, the portable image data being suitable for display by a portable game apparatus. Since the above features, as recited in claims 22 and 23, are not disclosed or suggested by the combination of Taho and Eguchi, claims 22 and 23 are patentable over the combination of Taho and Eguchi.

Claim 25 is patentable over the combination of Taho and Eguchi for the same reasons as those discussed above with regard to claim 11. Specifically, claim 25 recites, for the stationary game execution apparatus, generating portable image data, the portable image data being suitable for display by the portable game apparatus, and for the portable game execution apparatus, reading the game program from the portable recording medium, wherein the game program does not include any general image data, and receiving the portable image data over the network. Since the above features, as recited in claim 25, are not disclosed or suggested by the combination of Taho and Eguchi, claim 25 is patentable over the combination of Taho and Eguchi.

Claim 16, 18, and 26 are dependent on independent claim 11. As a result, claims 1, 11, 16, 18, 22-23, and 25-26 are patentable over the combination of Taho and Eguchi.

Claims 2, 6-7, 10, 12-15, 17, and 18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Taho (US Pub. 2001/0029205) in view of Eguchi (US 6,951,516) and further in view of Xidos (US 5,851,149). This rejection is submitted to be inapplicable to the claims, as amended, for the following reasons.

Claim 2 is dependent on independent claim 1 discussed in detail above. Claims 12-15, 17, and 18 are either directly or indirectly dependent on independent claim 11 discussed in detail above.

Xidos is relied upon in the rejection as disclosing using key cryptography to encrypt information being transmitted over a network. However, it is apparent that Xidos fails to disclose or suggest the features lacking from the combination of Taho and Eguchi discussed above with regard to independent claims 1 and 11. Accordingly, no combination of Taho, Eguchi, and Xidos would result in, or otherwise render obvious under 35 U.S.C. §103(a), the features recited in claims 1, 2, 11-15, 17, and 18. Therefore, claims 1, 2, 11-15, 17, and 18 are patentable over the combination of Taho, Eguchi, and Xidos.

Because of the above-mentioned distinctions, it is believed clear that claims 1-2, 11-18, 22-23, and 25-26 are allowable over the references relied upon in the rejection. Furthermore, it is submitted that these distinctions are such that a person having ordinary skill in the art at the time of the invention would not have been motivated to combine the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in 1-2, 11-18, 22-23, and 25-26. Therefore, it is submitted that claims 1-2, 11-18, 22-23, and 25-26 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

Kaoru YOKOTA et al.

/Allen N. Doyel/

By 2009.11.06 16:18:21 -05'00'

Allen N. Doyel  
Registration No. 60,391  
Agent for Applicants

AND/MSH/cbc  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
November 6, 2009